IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 846 OF 2006

Mrs. Prem Anil Gandotra ..... Applicant

Versus

Mr. Rajen B. Purohit ..... Respondent

Mr. M.S. Prasad for the Applicant

Mr. A.S. Shitole, APP for the State

Mr. V.G. Mehta for Respondent No. 1

CORAM : A.S. OKA, J.

DATE : 8TH DECEMBER 2006

P.C.

1) Heard Advocate for the Applicant and Advocate for the 1st Respondent. Perused the Affidavit in Reply filed by the 1st Respondent.

2) The Advocate for the 1st Respondent opposed the application by pointing that the application No. 246 of 2006 has been dismissed as the conditional order passed by this Court has become operative. He states that though the time fixed on 3rd August 2006 was extended by this Court, the Applicant did not comply

with the conditional order even within the time extended by this Court.

3) The Application No. 246 of 2006 is not rejected on merits. It is rejected because the conditional order regarding filing of Affidavit of service was not complied with. For such default, the litigant cannot be allowed to suffer. Hence, application allowed in terms of prayer clause (a) and (b). Place Application No. 246 of 2006 on board on 22nd December 2006.

(A.S. OKA, J.)